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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,237	02/18/2004	Yasuhito Miyata	79950	2356
22242	7590	11/30/2006	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			WILHELM, TIMOTHY	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,237

Applicant(s)

MIYATA, YASUHIITO

Examiner

Timothy D. Wilhelm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Examiner acknowledges receipt of amendment to claims filed by Applicant on 9/20/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Hiroo (JP2002137779). Hiroo discloses a motorcycle 1 including an airbag device 5, the motorcycle 1 comprising a body of the motorcycle; a seat for a rider 3; handlebars 2 forwardly of the seat 3 for rider steering of the motorcycle 1; an airbag 5 for being deployed and inflated in emergency conditions; a retainer from which the airbag is deployed and being mounted to the body adjacent the handlebars 2 and forwardly

spaced from the seat 3 along the body; an elongate securing member 6 for the airbag 5; a fastener for the securing member being mounted to the body adjacent the seat 3; and opposite end portions of the elongate securing member 6 with one of the end portions secured to the airbag 5 and the other end portion secured to the fastener such that with the spacing between the retainer and the fastener there is a long intermediate portion of the elongate securing member 6 extending centrally along the motorcycle body prior to airbag deployment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima in view of Fujimura. Iijima et al disclose an airbag device for a motorcycle stored substantially centrally in the fore and aft direction along the motorcycle in an area generally between the legs of the rider, the airbag device comprising an air bag having an interior that is inflated during deployment. Iijima et al disclose the present invention except for an elongate securing member that includes a portion extending in the interior of the airbag for securing the airbag to the vehicle. Fujimura teaches an airbag device

10 for a vehicle, the airbag device comprising an airbag 14 having an interior that is inflated during airbag deployment; and an elongate securing member 42 that includes a portion extending in the interior of the airbag 14 for securing the airbag 14 to the vehicle. Elongate member 42 includes a triangular shaped end portion connected to the airbag interior surface to resist side-to-side swinging of the airbag 14 during deployment. With regard to claim 18, elongate member 42 includes a pair of ends secured to the airbag at vertically spaced positions to restrict vertical movement of the airbag 14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching of the elongate securing member of Fujimura with the motorcycle airbag device of Iijima et al to effectively control the deployment of the airbag.

6. Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al and Fujimura as applied to claim 13 above, and further in view of Orsulak et al. Iijima et al in view of Fujimura disclose a motorcycle with an airbag device, the airbag device comprising an airbag for being inflated during airbag deployment, and an elongate securing member for securing the airbag to the motorcycle and extending centrally in a fore and aft direction along the motorcycle in an area generally between legs of a rider of the motorcycle. Iijima et al and Fujimura disclose the present invention except for the airbag including an accordion-fold portion and a roll-fold portion with the accordion-fold portion being inflated followed by inflation of the roll-fold portion wherein the elongate securing member is secured to the airbag roll-fold portion. Orsulak et al disclose an air bag module 10 in which the airbag 30 includes an accordion-fold portion

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and a roll-fold portion with the accordion-fold portion being inflated followed by inflation of the roll-fold portion. It would have been obvious to one of ordinary skill in the art at the time of the invention through the teaching of Orsulak et al to have folded the airbag system of Iijima et al and Fujimura into an accordion-fold portion and a roll-fold portion, in which the elongate member 42 of Fujimura would inevitably extend in the interior of the roll-fold portion, in order to facilitate smooth deployment of the airbag 14.

Allowable Subject Matter

7. Claims 1-14 are allowed.

Response to Arguments

8. Applicant's arguments filed 9/20/2006 have been fully considered but they are not persuasive. Applicant argues that newly amended claim 15 calls for the elongate securing member to have a predetermined length with the majority of the length thereof extending centrally in a fore and aft direction along the motorcycle in an area generally between legs of a rider of the motorcycle prior to airbag deployment to minimize interference with the rider during airbag deployment and that none of the relied upon art, either alone or in combination, discloses or suggests the elongate securing member having a majority of its length extending centrally in a fore and aft direction along the motorcycle, as called for in amended claim 15. Examiner respectfully disagrees with this argument and states that Iijima et al (5,967,545) discloses an

elongate securing member 18 having a predetermined length with the majority of the length thereof extending centrally in a fore and aft direction along a motorcycle.

Conclusion

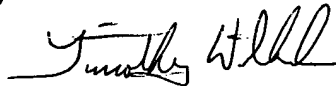
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 11/27/2006
Timothy D Wilhelm
Examiner
Art Unit 3616

TDW


DAVID R. DUNN
PRIMARY EXAMINER